UNITED NATIONS

MC

UNEP/MC/COP.2/3

Distr.: General
11 July 2018

Original: English

United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury
Second meeting
Geneva, 19–23 November 2018
Item 3 of the provisional agenda*
Rules of procedure for the Conference of the Parties

Rules of procedure for the Conference of the Parties to the Minamata Convention on Mercury

Note by the secretariat

1. At its first meeting, the Conference of the Parties to the Minamata Convention on Mercury adopted, in decision MC-1/1, the rules of procedure, with the exception of the second sentence of paragraph 1 of rule 45 and paragraph 3 of rule 45.

2. The secretariat presents, for the consideration of the second meeting of the Conference of the Parties, the text of rule 45 as presented in decision MC-1/1. This text is set out in annex I to the present note. The bracketed text remaining in rule 45 relates, in paragraph 1, to the option to take a decision on matters of substance by means of voting, should all efforts to reach consensus fail. The bracketed text in paragraph 3 relates to the mechanism used to decide whether a matter before the Conference should be considered a matter of substance or a matter of procedure.

3. A draft decision providing for the adoption of this outstanding rule is set out in annex II to the present note.

Suggested action by the Conference of the Parties

4. The Conference may wish to consider and adopt the outstanding rule.

* UNEP/MC/COP.2/1.

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Annex I

Rule 45 of the rules of procedure for the Conference of the Parties to the Minamata Convention on Mercury

Rule 45

1. The parties shall make every effort to reach agreement on all matters of substance by consensus. [If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority of the parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in paragraph 4 of article 23 of the Convention or by the present rules of procedure.]

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority of the parties present and voting.

[3. If the question arises of whether a matter is of a procedural or a substantive nature, [this matter shall be considered as a matter of substance.] [the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately [and the President's ruling shall stand unless overruled by a majority of the parties present and voting.]] [and the matter shall be treated as substantive unless determined to be procedural by a two-thirds majority of the parties present and voting.]]

4. If, on matters other than elections, a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

Annex II

Draft decision MC-2/[XX]: Rules of procedure

The Conference of the Parties,

Recalling paragraph 4 of Article 23 of the Minamata Convention on Mercury,

Having resolved outstanding issues pertaining to rule 45,

Decides to adopt rule 45 of the rules of procedure for the Conference of the Parties as set out in the annex to the present decision.